

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Franks *et al.*

Appl'n No.: 10/524,316

Filing Date: February 9, 2005

For: Analgesia for Newborn or Fetal Subject

Art Unit: 1616

Examiner: E. Arnold

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Sir:

Applicants thank Examiners Richter and Arnold for the courtesies extended during the interview of January 19, and provide this Statement of Substance of Interview in compliance with M.P.E.P. 713.04:

- (A) Exhibits. No exhibit/demonstration was shown/conducted.
- (B) Claims. All claims were discussed.
- (C) Cited art. Fukara et al., Prog. Neuro-Psychopharmacol. & Biol. Psychiat., pgs. 1357-1368 (2000); U.S. Patent Nos. 6,197,323 and 5,099,834; and Ohashi et al., Anesthesiology, A1291 (2002) were discussed.
- (D) Amendments. No amendments were discussed.
- (E) Principal Arguments by Applicants. Applicants argued that not all fetal and neonatal subjects were in need of analgesia (a position held by the Examiner) and Applicants provided an article to support this position.
- (F) Other Matters. No other matters were discussed.
- (G) Agreement reached. The Examiner agreed that there was evidence that a population(s) of fetuses and newborns are in need of analgesia.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4265 to discuss any matter regarding this application.

Respectfully submitted,



\_\_\_\_\_  
Zeba Ali  
(Reg. No. 51,392)

Dated: April 14, 2008

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
(202) 220 - 4265 (telephone)  
(202) 220 - 4201 (facsimile)  
1510344